

right now. It says to you if you are a downstream landowner and I'm an upstream landowner that if I am going to divert a bunch of water over on you I'm going to give you a notice in the paper that I am going to do it. But, it doesn't give you one damn bit of protection. All it says to you is if there is a large corporation, if Prudential or somebody has a farm next to you and they are above you and they want to drain a wet area, they want to put in a tile drain and flood out your field they are just going to put it in the paper and say hey, Joe Blow, we are going to flood your field, now what are you going to do about it? There is nothing in the law that says anything, in spite of what Senator Kahle says, the law is clear, the law is not clear. There is nothing in the law. There is nothing in the statutes at all that says where the liability is at. Case law perhaps, but nothing in the statutes. Not one thing. All we are saying with this amendment is that if you are going to publish that in the newspaper, which the proponents of this bill have already said they want to do, then give the lower landowner something, give them something to respond to, give them something to do. This amendment says okay, the lower landowner then sends a letter or a written notice back to the upper landowner that published it in the newspaper and says to that landowner, look, you are liable to damage me. I want to preserve my right to take you to court. I want to preserve my right for damages. That is all that it says. What this body is saying and what these folks that are talking against this amendment are saying is look, we want to protect that landowner up above that is going to drown his neighbor, we don't want to give his neighbor any protection at all. Now like I indicated, on my own personal place I'm the one that lives on top. I probably should agree with them. But I don't think I should have the right to drain a substantial amount of water on one of my neighbors and damage their property without being held liable for it. The last section of this amendment which wasn't very clear in the Hefner amendment and isn't very clear in my opinion even yet, right now in the bill, is that on the other hand if I am going to go out and just drain a little water puddle that is out in front of my garage, I shouldn't have to publish something in the newspaper about it every time either. But that is what we are creating, but